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**FISCAL IMPACT STATEMENT**

**LS 7008**

**BILL NUMBER:** SB 205

**NOTE PREPARED:** Apr 8, 2003

**BILL AMENDED:** Mar 27, 2003

**SUBJECT:** Interstate Compact on Adult Supervision.

**FIRST AUTHOR:** Sen. Zakas

**FIRST SPONSOR:** Rep. Weinzapfel

**BILL STATUS:** As Passed - House

**FUNDS AFFECTED:** X **GENERAL**  
**DEDICATED**  
**FEDERAL**

**IMPACT:** State & Local

**Summary of Legislation:** (Amended) This bill has the following provisions:

(A) It adopts the Interstate Compact for Adult Offender Supervision.

(B) It creates a National Interstate Commission for Adult Offender Supervision made up of the Compact administrators from states that join the Interstate Compact.

(C) It delegates to the Interstate Compact the authority to adopt rules concerning the transfer of probationers and parolees between states, and permits the Interstate Compact to impose fines or seek injunctive relief against counties or the state if the county or state does not comply with the Compact.

(D) It establishes the State Council with up to nine members. It specifies that the older compact applies to states that have not adopted the new compact, but provides that the administrator of the new compact also administers the old compact. It requires offenders to pay a \$75 application fee to apply for transfer out of state.

(E) It provides that a parolee's application fee is paid to the Department of Correction and a probationer's fee is split between the Indiana Judicial Center and the supervising county.

(The introduced version of this bill was prepared by the Criminal Law Study Commission).

**Effective Date:** July 1, 2003.

**Summary of Net State Impact:** Added expenditures would be somewhat offset by some added revenues.

Added expenditures would include the following:

- other added costs for staffing in the Judicial Center.
- additional dues to the interstate compact of \$24,000.
- added costs of meetings for the State Council for Interstate Adult Offender Supervision.

Added revenues would include revenues from fees charged to offenders on probation and parole who request to leave Indiana for another state. The added revenues include:

- fees from offenders on probation leaving the state of \$37,500, and
- fees from offenders on parole leaving the state of \$13,837.

**Explanation of State Expenditures:** (Revised) Indiana currently regulates how adult offenders on parole and probation are transferred across state borders with other states through the Interstate Compact for the Supervision of Parolees and Probationers. While each state has one compact administrator, generally supervision of offenders on parole and probation is split between departments. In Indiana, the Indiana Judicial Center oversees the transfer of probationers, while the Department of Correction supervises parolees. The Interstate Compact is being revised to increase both the type of information being compiled and accountability for reporting information about offenders on probation and parole in a timely manner.

This bill would add the model Interstate Compact law to Indiana's statute. It would designate that the Indiana Judicial Center would be responsible for offenders on probation and other administrative functions related to operating the Interstate Compact in Indiana. Finally, it would assign the Department of Correction with the responsibility of monitoring offenders in prison. This bill impacts both the Indiana Judicial Center and the Department of Correction.

*Impact on Indiana Judicial Center:* This bill would add a series of costs that will be incurred by the Indiana Judicial Center.

*Added Dues* (Added cost of \$24,600) -- Indiana currently pays \$400 to belong to the Interstate Compact. With the new compact, the dues will increase to \$25,000.

*More Demands on Staff* (Estimated added costs of \$75,000) -- Staff in the Indiana Judicial Center are responsible for preparing the reports that are sent to other states when an offender on probation transfers out of state or receives notices of offenders being transferred in state and sends these to the probation department in the county to which the offender is being transferred.

The new interstate compact will increase the number of offenders who will be subject to being monitored if transferred between states. Examples include offenders who are on pretrial release and offenders who are part of diversion programs where offenders can avoid a felony or misdemeanor record if they comply with court orders for a period of time.

The following represents the number of offenders on probation who have either left Indiana or moved into Indiana and were monitored under the Interstate Compact.

Interstate Compact Cases						
		<u>1998</u>	<u>1999</u>	<u>2000</u>	<u>2001</u>	<u>2002</u>
Offenders on Probation <b>Entering</b> Indiana	Adult	1,158	1,139	1,297	1,512	1,234
	Juvenile	<u>132</u>	<u>145</u>	<u>172</u>	<u>159</u>	<u>130</u>
	<b>Total</b>	<u><b>1,290</b></u>	<u><b>1,284</b></u>	<u><b>1,469</b></u>	<u><b>1,671</b></u>	<u><b>1,364</b></u>
Offenders on Probation <b>Leaving</b> Indiana	Adult	1,351	1,253	1,510	2,111	1,892
	Juvenile	<u>177</u>	<u>134</u>	<u>178</u>	<u>175</u>	<u>194</u>
	<b>Total</b>	<u><b>1,528</b></u>	<u><b>1,387</b></u>	<u><b>1,688</b></u>	<u><b>2,286</b></u>	<u><b>2,086</b></u>

The Judicial Center anticipates needing 1.5 additional PAT I positions and one half-time clerical position to accommodate the added administrative responsibilities associated with new reporting requirements, added offenders on probation, and shortened deadlines for reporting information to respective agencies in other states. The estimated costs that the Judicial Center would incur would be roughly \$75,000.

The funds and resources required above could be supplied through a variety of sources, including the following: (1) Existing staff and resources not currently being used to capacity; (2) Existing staff and resources currently being used in another program; (3) Authorized, but vacant, staff positions, including those positions that would need to be reclassified; (4) Funds that, otherwise, would be reverted; or (5) New appropriations. **(Note: The Judicial Center would receive 50% of all \$50 application fees by offenders on probation wishing to be transferred out of state under the Interstate Compact. See *Explanation of State Revenues*.)** Ultimately, the source of funds and resources required to satisfy the requirements of this bill will depend upon legislative and administrative actions.

Estimated Personnel Costs				
<u>Job Class</u>	<u>Number of Employees</u>	<u>Salary</u>	<u>FY 2004</u>	<u>FY 2005</u>
PAT I	1.5	34,557	51,836	53,909
Total Salary	1.5		51,836	53,909
Total Fringe			6,267	6,267
Total Indirect			<u>4,500</u>	<u>2,250</u>
<b>Subtotal</b>			<b>\$62,603</b>	<b>\$62,426</b>
COMOT I	.5	22,146	11,073	11,516
Total Salary	0.5		11,073	11,516
Total Fringe			0	0
Total Indirect			3,000	1,500
<b>Subtotal</b>			<b>\$14,073</b>	<b>\$13,016</b>
<b>Grand Total</b>			<b>\$76,676</b>	<b>\$75,442</b>

*Added Costs Specified By the Interstate Compact:* The compact would have the power to impose uniform standards for the reporting, collecting, and exchanging of data. Judicial Center staff indicate that this might require the Judicial Center to purchase additional computer equipment and software to conform to these uniform rules. These added costs are currently unknown and will depend on the standards adopted by the Interstate Compact.

*Costs of Council Meetings:* The State Council for Interstate Adult Offender Supervision is either an eight- or nine-member board consisting of one member of the General Assembly, the commissioner of the Department of Correction, a member of a victims group, the executive directors of the Indiana Judicial Center, the Criminal Justice Institute, Indiana Sheriffs Association, Public Defender Council, and the Prosecuting Attorneys Council, and the Interstate Compact Administrator (if the compact administrator is not already a member of the Council. The Judicial Center would be responsible for paying the costs associated with the Council.

*Impact on the Department of Correction:* The Department of Correction currently monitors offenders on parole who transfer in and out of Indiana. Their responsibilities would also increase if they need to compile additional reports in a shorter period of time.

*The costs to the Department of Correction will be minimal.*

**Explanation of State Revenues:** (Revised) The state General Fund would receive a portion or all of the revenue from a \$75 application fee submitted by offenders on parole and probation who wish to transfer out of state under the Interstate Compact. Offenders who have been found indigent by a trial court when the offender applies to be transferred out of state are not required to pay the application fee. An offender who is on probation pays the county probation department. Applicants on parole pay the Department of Correction.

*Estimated Revenue from Offenders on Probation:* The Judicial Center would receive 50% of the application fee. If half of the offenders who transferred out in FY 2002 paid the application fee, the Judicial Center would receive \$37,500 (half of 2,000 applications paying \$75 x 50%).

*Offenders on Parole:* Revenues received from offenders on probation would be deposited in the Indiana Judicial Center's account for deposit in the General Fund, to be used to cover the cost of administering the Interstate Compact for Adult Offender Supervision.

The following shows the number of offenders on parole who have left Indiana.

<b><u>Fiscal Year</u></b>	<b><u>1998</u></b>	<b><u>1999</u></b>	<b><u>2000</u></b>	<b><u>2001</u></b>	<b><u>2002</u></b>
Offenders on Parole Leaving Indiana	275	300	296	394	369

*Estimated Revenue from Offenders on Parole:* The Department of Correction would receive the entire \$75 application fee. *The estimated revenue that DOC would receive is \$13,837 (369 offenders x 50% x \$75).*

**Explanation of Local Expenditures:**

**Explanation of Local Revenues:** (Revised) Local probation departments receive 50% of the \$75 application fee that would be charged to offenders wishing to transfer to another state in the Interstate Compact. The added revenue for all counties is estimated to be \$37,500 if half of all offenders pay the application fee. This money would be deposited in the county's supplemental adult probation services fund.

**State Agencies Affected:** Indiana Judicial Center, Department of Correction.

**Local Agencies Affected:** Probation Offices.

**Information Sources:** Indiana Judicial Center.

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